

640 Camino de la Reina #1115
San Diego, CA 92108
May 7, 2007

Chairman Kevin Martin
Federal Communications Commission
445 12th Street, NW
Washington, DC 20554

Re: CS Docket 97-80

Dear Chairman Martin:

I am a subscriber of cable television service from Cox Communications in San Diego, California. On March 21 2007, I sent an email to a Cox Customer Service Representative named Brad asking for a Multistream CableCARD (M-Card) for my TiVo Series 3 HD DVR. After a long series of emails in which I had to educate Brad as to what an M-Card was and how the TiVo Series 3 DVR was recently certified for M-Card use by CableLabs, I finally got this response from him on May 2 2007 (emphasis added):

"At this time we do not have any multistream CableCARDS available. **These devices will be used internally inside a digital cable receiver first. Customers will not get any benefit from the M-Card until 2-way capable devices are available in the market** – which at this time it is our understanding that no televisions or any other devices on the market are 2-way capable yet.

"Please check with the manufacturer of the device you wish to use the M-Card in. **If it is not 2-way capable, the M-Card will not work with it.** The TiVo series 3 PVR is not two way capable, though it does have slots for two standard CableCARDS."


According to the 12/22/06 Status Report from the NCTA to the FCC, as of 11/13/06 CableLabs reached agreement with various CE companies on new testing procedures to permit the use of an M-Card in multi-stream mode on UDCPs that have an M-Card interface. Furthermore, in the same Status Report, the NCTA claims that as of January 2007, CableLabs would begin testing of UDCPs for conformance to the M-Card test suite. And according to the 3119107 CableLabs CableCARD Certification List, the TiVo Series 3 UDCP obtained CableLabs certification for M-Card use under Product Number TCD648250B.

It would appear that either the NCTA Status Report as provided to the FCC was untruthful, or that Cox Communications is providing inaccurate information to their customers as to the

usefulness of M-Cards in UDCPs, and is thus actively discouraging M-Card use in 3rd party UDCPs in favor of their own internal use of M-Cards for their own cable box products

Cox Communications has an FCC-mandated obligation to provide CableCARDS to customers upon request, but they do not appear to be meeting this requirement for Multistream CableCARDS.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Miller", with a stylized flourish at the end.

Brian Miller

Cc: James A. Hatcher, Esq., Senior Vice President, Legal and Regulatory Affairs, **Cox**
Communications Inc.
Matthew Zinn, Senior Vice President, General Counsel, Corporate Secretary and Chief
Privacy Officer, TiVo Inc.
Marc Jaffe, President, SCAN NATOA